

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA, <i>ex rel.</i>)	
J. Douglas Strauser, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:18-cv-00673-GKF-SH
)	
STEPHEN L. LAFRANCE HOLDINGS,)	
INC. <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a) and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b)(1), the Oklahoma False Claims Act, Okla. Stat. tit. 63 § 5053.2(B)(1), and the Tennessee Medicaid False Claims Act, Tenn. Code § 71-5-183(b)(1), Relator J. Douglas Strauser (“Relator”) and Defendants Walgreen Co., Stephen L. LaFrance Holdings, Inc., Stephen L. LaFrance Pharmacy, Inc., Arcadia Valley Drug Co., Daleco, Inc., Ellisville Drug Acquisition Co., Jarco Pharmacies, Inc., Stephen L. LaFrance, Jr., and Jason LaFrance (“Defendants,” and together with Relator, the “Parties”) hereby stipulate, through their undersigned counsel, to the entry of an order dismissing all claims in this action against Defendants with prejudice as to Relator and without prejudice as to the United States, the State of Oklahoma, and the State of Tennessee (“Government Plaintiffs”). The Parties have agreed upon a settlement of the *qui tam* claims that Relator asserted in this action on behalf of the Government Plaintiffs; Defendants have now made the payments to the Government Plaintiffs and the Relator required by the settlement agreements; and, the Government Plaintiffs, each of which elected not to intervene in this action, have agreed that they each will provide written consent to the dismissal of this action against Defendants with

prejudice as to Relator and without prejudice as to the Government Plaintiffs. The Parties request that, pursuant to 31 U.S.C. § 3730(b)(1), Okla. Stat. tit. 63 § 5053.2(B)(1), and Tenn. Code § 71-5-183(b)(1), the Court permit time for the Government Plaintiffs to file their respective written consents to dismissal.

The Parties do not seek dismissal of the Relator's claims for a share of the proceeds of the settlement pursuant to 31 U.S.C. § 3730(d)(2), Okla. Stat. tit. 63 § 5053.4(B), and Tenn. Code § 71-5-183(d)(2). Those claims are the subject of ongoing settlement discussions.

The Parties respectfully request that, after the Government Plaintiffs file their respective written consents to dismissal, the Court enter an order in the form of the proposed order submitted concurrently herewith. The proposed order does not dismiss the Relator's claims for a share of the proceeds of the settlement.

Dated: August 8, 2023

Respectfully Submitted,

/s/ Halley W. Josephs

William Christopher Carmody
Cory S. Buland
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas, 32nd Fl.
New York, New York 10019
Tel.: (212) 336-8330
bcarmody@susmangodfrey.com
cbuland@susmangodfrey.com

Jonathan J. Ross
TX Bar No.: 007791575
SUSMAN GODFREY L.L.P.
1000 Louisiana St. Suite 5100
Houston, TX 77002
Tel: (713) 651-9366
Fax: (713) 654-6666
jross@susmangodfrey.com

Halley W. Josephs

/s/ Frederick Robinson

Frederick Robinson (*admitted pro hac vice*)
Selina Coleman (*admitted pro hac vice*)
Megan Fanale Engel (*admitted pro hac vice*)
Daniel Z. Herbst (*admitted pro hac vice*)
Andrew Lu (*admitted pro hac vice*)
REED SMITH LLP
1301 K Street, N.W., Suite 1000 - East Tower
Washington, D.C., 20005
202-414-9200; 202- 414-9299 (facsimile)
frobinson@reedsmith.com
scoleman@reedsmith.com
mengel@reedsmith.com
dherbst@reedsmith.com
andrew.lu@reedsmith.com

Steven Holden, OBA # 4289
Caleb McKee, OBA # 32066
HOLDEN LITIGATION, Holden, P.C.
15 East 5th Street, Suite 3900

SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA, 90067-4405
Tel: 310-789-3100
Fax: 310-789-3150
hjosephs@susmangodfrey.com

Shelley R. Slade
Janet L. Goldstein
VOGEL, SLADE & GOLDSTEIN, LLP
1300 Connecticut Ave., N.W., Suite 701
Washington, D.C. 20009
Tel.: 202-537-5903
sslade@vsg-law.com
jgoldstein@vsg-law.com

Michael Burrage
WHITTEN BURRAGE
512 North Broadway, Avenue, Suite 300
Oklahoma City, OK 73102
Tel: 405-516-7800
Fax: 405-516-7859
mburrage@whittenburrage.com

Joel L. Wohlgemuth
OK State Bar No. 9811
Jo Lynn Jeter
OK State Bar No. 20252
NORMAN WOHLGEMUTH CHANDLER
JETER BARNETT & RAY
401 S Boston Ave, Suite 2900
Tulsa, OK 74103
Tel.: (918) 583-7571
Fax: (918) 584-7846
JWohlgemuth@nwlawok.com
JJeter@nwlawok.com

*Attorneys for Plaintiff/Relator J. Douglas
Strauser*

Tulsa, OK 74103
918-295-8888; 918-295-8889 (facsimile)
SteveHolden@HoldenLitigation.com
CalebMcKee@HoldenLitigation.com

*Attorneys for Defendants Stephen L.
LaFrance Holdings, Inc., Stephen L.
LaFrance Pharmacy, Inc., and Walgreen Co.*

/s/ Matthew M. Curley
Matthew M. Curley (*admitted pro hac vice*)
Jeff Gibson (*admitted pro hac vice*)
John C. Eason (*admitted pro hac vice*)
Brian F. Irving (*admitted pro hac vice*)
BASS BERRY & SIMS PLC
150 Third Ave. South, Suite 2800
Nashville, Tennessee 37201
(615) 742-6200
mcurley@bassberry.com
jgibson@bassberry.com
jeason@bassberry.com
birving@bassberry.com

Mary Quinn Cooper (OBA #11966)
Jessica John Bowman (OBA #30388)
MCAFEE & TAFT
Two W Second Street, Suite 1100
Tulsa, OK 74103
(918) 587-0000
maryquinn.cooper@mcafeetaft.com
jessica.johnbowman@mcafeetaft.com

*Attorneys for Defendants Arcadia Valley
Drug Co., Daleco, Inc., Ellisville Drug
Acquisition Co., Jarco Pharmacies, Inc.,
Stephen LaFrance, Jr. and Jason LaFrance*

CERTIFICATE OF SERVICE

This certifies that all counsel of record were served via the Electronic Case Filing (ECF) system on August 8, 2023.

/s/ Halley W. Josephs